

## Instructions for Completing the 2005 Financial Disclosure Statement

File online at <https://apps.atlantaga.gov/efile>

**Due Tuesday, February 15, 2005**

### Penalties for Late Filing

Business days late	Date of filing	Fine
1	Wednesday, Feb. 16, 2005	\$50.00
2	Thursday, Feb. 17, 2005	\$100.00
3	Friday, Feb. 18, 2005	\$150.00
4	Tuesday, February 22, 2005	\$200.00
5	Wednesday, February 23, 2005	\$250.00
6	Thursday, February 24, 2005	\$300.00
7	Friday, February 25, 2005	\$350.00
8	Monday, February 28, 2005	\$400.00
9	Tuesday, March 1, 2005	\$450.00
10	Wednesday, March 2, 2005	\$500.00

### Who Is Required to File

- Elected city officials
- Commissioners, deputy commissioners, bureau directors, assistant bureau directors, managers, and division heads
- Zoning administrator, assistant zoning administrators, and inspectors
- Deputy, assistant, and associate city attorneys
- Contract compliance officers, contracting officers, buyers, and employees with discretionary or supervisory authority over investment or auditing of city finances or contracts
- Members of city boards created by state or city law and hearing officers
- Members appointed by the city to other public boards
- NPU officers

### Where You File

1. eFile online at <https://apps.atlantaga.gov/efile>.
2. File paper forms with the City of Atlanta Municipal Clerk, 55 Trinity Avenue, Suite 2700, Atlanta, GA 30303.

### How to File

1. eFile by delivering the information via the online form at <https://apps.atlantaga.gov/efile>.
2. File in person by hand delivering the original form for filing at the Municipal Clerk's office.
3. File by first class mail by depositing the completed form in the United States mail, with adequate postage, and addressed to the Office of the Municipal Clerk, 55 Trinity Avenue, Suite 2700, Atlanta, GA 30303. **Do not mail the form to the Ethics Office or use interdepartmental mail.**

### Public access

The 2005 Financial Disclosure Statement is a public record and shall be available for public inspection in the Municipal Clerk's office unless information is exempt from disclosure under the Open Records Act. The home address and home telephone number of judges, law enforcement officers, correctional employees, and prosecutors are exempt from disclosure under the Open Records Act. In addition, none of the identifying information provided in Part One, except the name, will be available to the public on-line.

## Definitions

Agency -- any board, bureau, body, commission, committee, department, or office of the city, including any joint board to which the council or the mayor has appointment powers.

Business -- any corporation, partnership, proprietorship, organization, self-employed individual, or any other entity operated for economic gain, whether professional, industrial, or commercial, and entities which for purposes of federal income taxation are treated as non-profit organizations.

Certain designated filers -- the mayor, council president, city council members, traffic and municipal court judges, the chief and deputy chief operating officers, chief and deputy chiefs of staff, department heads and employees in equivalent positions, deputy department heads and employees in equivalent positions, and employees in the mayor's office who report directly to the mayor.

City board -- any board, committee, council, commission, authority, or similar body created by State law, Charter, ordinance, or resolution.

Direct ownership interests in real property -- the holding or possession of good legal or rightful title of property or the holding of real or beneficial use of the property by an official or employee, including any interest owned or held by the spouse of the official or employee if such interest is held jointly or as tenants in common.

Filing -- the delivery to the municipal clerk by the end of the designated business day (5 p.m.); depositing in the United States mail, properly addressed, with adequate postage affixed, postmarked by the designated day; or delivery of information via the online form at <https://apps.atlantaga.gov/efile> by the end of the designated day (11:59 p.m.).

Former official or employee -- any person who leaves his or her city position between February 15, 2004, and the date of filing.

Immediate family -- a spouse, domestic partner registered under section 94-133 of the Code of Ordinances, and dependent natural or adopted children.

NPU officer -- chair, president, or presiding officer and first vice chair, vice president, or alternate presiding officer.

Official or employee -- any person elected or appointed to or employed or retained by the city or any agency, whether paid or unpaid and whether full time or part time.

Prohibited source -- any person, business, or entity that an official or employee knows, or should know, (1) is seeking official action from the city; (2) is seeking to do or does business with the city; (3) represents a client seeking official action or business with the city or doing business with the city; (4) has interests that may be substantially affected by performance or nonperformance of the official's or employee's duties; or (5) is a registered lobbyist under state law.

## Line-by-line Instructions

### PART ONE: IDENTIFYING INFORMATION.

1. List your first name, middle initial, and last name.

The information sought in the next four questions is solely for administrative purposes to enable the Ethics Office to contact you. It will not be made available on-line.

2. List your home address.

3. List your mailing address, if it is different from your home address.

4. List a day-time telephone number and another telephone number where you can be reached.

5. List the e-mail address where you would like to receive notices.

### PART TWO: REASONS FOR FILING.

Former employees and officials. The Code of Ethics requires city officials and employees to file every year that they hold their city position and for the year "following that in which the official or employee leaves such position." Code § 2-814 (e).

*Example: Former employee A retires on February 14, 2004. He files a financial disclosure statement in 2004, but is not required to file in 2005 because he has been retired for more than a year by the 2005 filing deadline.*

*Example: An NPU chair leaves office on December 31, 2004. She filed a financial disclosure statement in 2004, but is also required to file in 2005 as the year following that in which she left her city position.*

6. Filing Category. Check all positions that apply.

7. City Elected Officials.

7a. Check the office to which you were elected.

7b. Check "yes" if you are still serving as an elected official on the date that you file.

7c. List the month and year that you last served in this office.

8. City Employees.

8a. Check the position in which you are employed. If you work in a position below deputy department head, check "other city employee."

8b. List your specific job title.

8c. List the department or agency for which you work.

8d. Check "yes" if you are employed by the city on the date that you file.

8e. List the month and year that you received your final city paycheck.

9. Board Members and Hearing Officers.

Code section 2-814 (b) requires two types of board members to file:

- "Members, whether paid or unpaid, of all city boards, committees, councils, commissions, authorities and other similar bodies created by state law, Charter, ordinance or resolution." All members are required to file, no matter who appoints or elects them.
- "Members appointed by the mayor and/or council or council president to other public boards, committees, councils, commissions, [and] authorities of the city, county, or state." Only board members appointed by the Mayor or City Council are required to file.

*Example: All members of the Atlanta Development Authority are required to file because it is a city authority created by state law and city resolution.*

*Example: Only the six members appointed by the mayor to the Atlanta-Fulton County Recreation Authority are required to file because it is a joint authority of the city and county.*

9a. Check "yes" if you serve or served on the board or as a hearing officer in 2004 or 2005.

*Example: A board member, who was appointed in January 2004, resigns before she takes an oath of office or attends a board meeting. She is not required to file because she has never served in a city position.*

9b. List the board or entity on which you serve. Do not abbreviate the name.

9c. Check "yes" if you are still serving on the date that you file.

9d. List the month and year that you last served as a board member or officer.

*Example: A board member is appointed in November 2002 to a two-year term of office. She attends her last board meeting in May 2004. She should list November 2004 as her last date of service.*

*Example: A board member's term of office ends in February 2004, but he continues to attend meetings until his replacement is confirmed in November 2004. He should list November 2004 as his last date of service.*

10. NPU Officers. Because there is no uniform definition of "officers of neighborhood planning units" in the code, the Board of Ethics has interpreted the term, for purposes of filing a financial

disclosure statement in 2005, to mean the chair, president, or presiding officer and the first vice chair, vice president, or alternate presiding officer.

*Example: Officer A is elected as vice chair of her NPU in 2005, after serving as secretary in 2004. She must file in 2005 based on her position as vice chair.*

10a. Check “yes” if you now serve as an NPU chair, vice chair, or equivalent position or served as one in 2004.

10b. List the NPU in which you are a member.

10c. Check the office that you currently hold.

10d. Check the office you held in 2004.

### **PART THREE: SOURCES OF INCOME.**

11a. Sources of Employment Income. This question is the most common place to disclose your income sources. Check “yes” if you received wages, salaries, tips, other income, or compensation for services from an employer, sole proprietorship, corporation, partnership, professional firm, or other organization or from self-employment, extra jobs, or outside employment.

*Example: A board member lives on her income from social security and her teachers’ retirement account. Since her income is not employment income, she does not need to list any source of her income. Therefore, she should check “no.”*

11b. List the full name of your employer and any other business, including any private business that you personally operate, for which you were compensated for services you performed in 2004 or have performed in 2005. Do not abbreviate the name.

*Example: A city employee operates a private painting business on the weekends. She should list the name of her company or, if it has no name, her own name.*

*Example: A police officer regularly works an extra job as security guard for a liquor store. He should list the business as a source of employment income.*

*Example: A city council member receives commissions from his work as a realtor for a real estate firm. He should list the name of the company as a source of employment income, even if he works as an independent contractor.*

*Example: A law firm partner is not a firm employee, but does receive compensation from the firm for her work. She should list the law firm as a source of employment income.*

*Example: A city employee worked for a city contractor until June 2004 when she was hired by the city. She needs to list the contractor as a source of employment income, but may indicate when she left the job, e.g., Quality Airport Construction (left job 6/04).*

*Example: Employee A, who operates a plumbing service, installs a water filter for employee B, who operates a tax service and prepares A’s tax return in exchange. Although no cash is involved, the two employees have received compensation through the exchange of services. They should disclose their businesses as a source of employment income.*

11c. List the nature of each business based on the type of activity that it is engaged in. City of Atlanta employees should check “government.” Examples of other types of businesses are arts and entertainment, construction, educational services, finance, food and accommodation services, health care, insurance, manufacturing, professional services, other services, real estate, retail trade, transportation, and wholesale trade.

12a &b. Other Sources of Business Income. This question asks for disclosure of non-employment sources of income from any business. Retirement income from any governmental or qualified retirement plan does not need to be disclosed.

*Example: A city employee is the half owner of a contracting company that renovates in-town houses, but has left active management of the business to her partner. During 2004, the employee had no involvement in the business, but did receive a year-end payment of more than \$5,000 of the company's profits. She must disclose the name of the company as a source of business income.*

*Example: A city council member sold his interest in a public relations firm, receiving more than \$5,000 from the sale in 2004. He must disclose the name of the firm as a source of business income.*

*Example: An NPU officer receives income from a qualified retirement plan in excess of \$5,000 in 2004. He does not have to disclose the plan as a source of income because the retirement plan is neither an entity operated for economic gain nor a nonprofit organization for purposes of federal income taxation.*

12c. List the type of business in which the entity is engaged. See examples under 11c above.

#### **PART FOUR: BUSINESS WITH THE CITY.**

13a. Doing Business with the City. Check "yes" if any person or business listed as a source of income in Question 11 or 12 has done business with the city since January 1, 2004. If the City of Atlanta is your sole source of income or you are a board member who works for a large organization and you in good faith do not know whether your employer does business with the city, check "no."

*Example: A board member's law firm does legal work for the city. He should check "yes" and answer all questions concerning his firm's contract with the city.*

*Example: A city employee worked full-time for a contractor on a sewer tunnel project before being hired by the city in November 2004. The employee should check "yes" and answer all questions concerning the contractor's work with the city.*

*Example: A board member who is a faculty member at Georgia State University has no idea whether the university does business with the city. She should check "no."*

13b. List the complete name of the entity that does business with the city. Do not abbreviate.

13c. List the entity's business address.

13d. Describe the type of contract or business that the entity has engaged in with the city.

13e. List the department with whom the business is conducted.

13f. Describe how the business was awarded.

13g. State whether you personally sought, acquired, or performed any of the work on the contract or project.

#### **PART FIVE: FAMILY MEMBERS' TRANSACTIONS WITH THE CITY.**

14a. Family Member's Employment with the City. Check "yes" if an "immediate family member" works for or worked for the city in 2004 or 2005.

14b. List the family member's name.

14c. List the department or agency in which your family member works.

*Example: A city employee's 18-year-old daughter is hired as a lifeguard to work at a city pool during the summer of 2004. Since the teenager lives with the city employee and is claimed as a dependent for income tax purposes, her name should be disclosed.*

*Example: A city employee has a brother who works in Watershed Management and a mother who works in Aviation. The filer is not required to disclose her relatives' jobs with the city because neither a mother nor brother is an "immediate family member" as defined in the Code of Ethics.*

15. Family Doing Business with the City. See instructions listed above under Question 13.

**PART SIX: DIRECT OWNERSHIP INTERESTS IN REAL PROPERTY.**

16a. Real Property in the City. Check here if you own real property within the city limits. It does not matter whether the property is residential, rental, or commercial.

16b. List the street name and zip code for each parcel of property. You are not required to list any street or unit number. If there is no street address, provide some other identification for the property.

*Example: A member of a city board owns two pieces of property within the City of Atlanta, his personal residence and an apartment building. He should disclose the ownership of both pieces of property by listing the street name and zip code of each property's location.*

17a. Real Property outside the City Limits. Check here if you own real property outside the City.

17b. List each county and state in which you own property.

NOTE: The following questions apply to elected city officials and a limited number of city employees. If you are a board member, hearing officer, NPU officer, or city employee below a deputy commissioner, you have finished filling out the form. You should review your answers and then go to the signature section in Part Eight.

**PART SEVEN: QUESTIONS FOR CERTAIN DESIGNATED FILERS.**

18. Stocks, Bonds, and Blind Trusts. Elected city officials, city employees at the deputy commissioner level and above, and employees in the Mayor's office reporting directly to the Mayor must report any stock or other holdings in any single corporation or business entity that is valued at \$10,000 or more at any time during 2004.

*Example: Commissioner A rolls over his retirement account from a previous job into stock in three companies. He owns stock that has a maximum value in 2004 of \$5,000 in Corporation A, \$10,500 in Corporation B, and \$15,000 in Corporation C. He must disclose the identity of Corporations B and C.*

19. Identity of Individual Clients. This question seeks information about businesses that do business with both the City of Atlanta and a company that is a source of non-employment business income to the City Council President or members of the City Council. The Council member must disclose the name and address of individual clients, customers, or patrons of any business listed in response to Question 12 when (i) the client is a prohibited source, (ii) the official has actual knowledge that the client is a prohibited source, and (iii) the official has actual knowledge that the prohibited source is a client, customer, or patron of the official's business.

*Example: A council member is a partner in a consulting business from which she receives \$25,000 in 2004. She is aware that the business represents a company listed as the paving subcontractor in a bid on an airport project. The council member must disclose the name and address of the subcontractor.*

*Example: A council member is a partial owner of a food service company that pays him \$15,000 in 2004. He knows that his company provides supplies to a city contractor. The council member must disclose the name and address of the contractor.*

*Example: A council member forms a corporation that represents several non-profit organizations. None of them is a prohibited source. She does not need to disclose the name or address of any individual client.*

**PART EIGHT: SIGNATURE.**

Sign and date the statement to complete it. If you file online, you will be instructed on how to enter an electronic signature. Remember to keep a copy of the completed statement for your records.